

BOARD OF ZONING APPEALS

CITY OF MILWAUKEE

REGULAR MEETING – March 13, 2003
City Hall, Common Council Committee Room 301-B

MINUTES

PRESENT:

Chairman: Craig H. Zetley (*voting on items 1-39, 41-64*)

Members: Henry P. Szymanski (*voting on items 1-28, 30-34, 36-48, 50-55, 57-64*)
Scott R. Winkler (*voting on items 1-64*)
Catherine M. Doyle (*voting on items 1-34, 36-55, 57-64*)
Roy B. Nabors (*voting on items 1-64*)

Alt. Board Members: Georgia M. Cameron (*voting on items 35, 56*)
Donald Jackson (*voting on items 29, 35, 40, 49, 56*)

START TIME: 4:10 p.m.

End Time: 10:37 p.m.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
1	24384 Special Use	Byron Allen Artis, Lessee Request to continue occupying a portion of the premises as a motor vehicle service facility.	5656 N. 76th St. 2nd Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
2	24413 Use Variance	Mian's Oil Corporation Inc. Riaz Mian;Property Owner Request to construct and occupy the premises as a motor vehicle pumping station and convenience store with accessory retail.	3105 N. Holton St. A/K/A 3105 N. Holton Ave. & 424 E. Burleigh St. 6th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of staff and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
3	24776 Use Variance	Covenant Health Care, Lessee Request to occupy a portion of the existing religious assembly facility with a medical office.	4858 N. 35th St. 1st Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Variance is granted for a period of ten (10) years, commencing with the date hereof.	
4	24804 Special Use	Duone M. Jackson, Investments Inc. d/b/a Harold's Chicken Shack; Lessee Request to occupy the premises as a fast-food/carryout restaurant.	5216 W. Capitol Dr. A/K/A 5202 W. Capitol Dr. 2nd Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
5	24785 Special Use	Makbul Sajan, Prospective Buyer Request to construct an addition to the existing structure and occupy the premises as a motor vehicle pumping station and convenience store.	5835 W. Hampton Av. 2nd Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That landscaping and screening plans which meet the requirements of s.295-405 of the Milwaukee Zoning Code including a 6-foot high wood fence along the eastern and southern property lines must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>5. That site illumination plans which meet the lighting standards of s.295-409 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>6. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>7. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
6	24809 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2408 W. Brown St. A/K/A 2406 W. Brown St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
7	24812 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2018 N. 25th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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8	24813 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2115 N. 28th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
9	24814 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2111 N. 28th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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10	24815 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2121 N. 28th St. A/K/A 2121-23 N. 28th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
11	24816 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2105 N. 28th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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12	24817 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2065 N. 28th St. A/K/A 2065-67 N. 28th St. 7th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
13	24818 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2112-14 N. 29th St. 7th Dist.
	Action:	Dismissed	
	Motion:	Roy Nabors moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
14	24773 Special Use	Silver Spring Neighborhood Center Lessee Request to construct a community center with a day care facility for 170 children ages 6wks-11yrs, alternative school, health clinic, and social service facility.	5460 N. 64th St. A/K/A 6301 W. Sheridan Ave. 9th Dist.
	Action:	Granted 20 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That these Special Uses and Variances are granted for a period of twenty (20) years, commencing with the date hereof.	
15	24753 Special Use	Agape Education Center, Property Owner Request to expand the existing day care center for 45 children ages 2 1/2 yrs-5yrs, Monday-Friday 6:00am-6:00pm, to include the 1st floor for infants.	5252-56 N. 35th St. A/K/A 5250-56 N. 35th St. 9th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the applicant obtains an occupancy certificate and complies with all State commercial code requirements for institutional and educational occupancies for the first floor. 5. That all previous conditions of the Board regarding this property are complied with. 6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.	

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16	24684 Special Use	Pam Kaleka, Prospective Buyer Request to construct a motor vehicle pumping station, convenience store, car wash, and a type 'B' restaurant.	1633-45 W. Forest Home Av. A/K/A 1633-45 W. Forest Home Ave. & 1981 S. 16th St. 12th Dist.
	Action:	Adjourned	
	Motion:	This item has been adjourned at the request of an interested party and will be rescheduled at the next available hearing.	
17	24784 Special Use	Makbul Sajan, Prospective Buyer Request to construct an addition to the existing structure and occupy the premises as a motor vehicle pumping station and convenience store.	9114 W. Silver Spring Dr. 15th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That site illumination plans which meet the lighting standards of s.295-409 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits.</p> <p>5. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary.</p> <p>6. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof.</p>	

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18	24798 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	1316 N. 36th St. A/K/A 1316-40 N. 36th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
19	24799 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	1324 N. 36th St. A/K/A 1316-40 N. 40th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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20	24800 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	1330 N. 36th St. A/K/A 1316-1340 N. 40th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
21	24801 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	1336 N. 36th St. A/K/A 1316-40 N. 36th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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22	24803 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	1342 N. 36th St. A/K/A 1316-40 N. 36th St. 16th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
23	24806 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2409 W. Brown St. 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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24	24807 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to divide the parcel and construct a single-family residential dwelling.	2419 W. Brown St. A/K/A 2409 W. Brown St. 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	
25	24808 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2415 W. Brown St. A/K/A 2409 W. Brown St. 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land. 	

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26	24810 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2339 W. Brown St. A/K/A 2335-37 W. Brown 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
27	24811 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2333 W. Brown St. A/K/A 2329-31 W. Brown St. 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	

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28	24819 Dimensional Variance	Milwaukee Habitat for Humanity Property Owner Request to construct a single-family residential dwelling without the required lot coverage.	2819 W. Vine St. 17th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the petitioner build in accordance with plans submitted. 4. That this Variance is granted to run with the land.	
29	24527 Appeal of an Order	James H. & Laura Stamm, Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a transitional living facility.	4050-52 N. 91st St. 5th Dist.
	Action:	Dismissed	
	Motion:	Scott Winkler moved to dismiss the appeal. Seconded by Donald Jackson.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
30	24739 Special Use	True Love Church, Property Owner Request to occupy the premises as a religious assembly facility.	4362 N. 27th St. 1st Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains a certificate of occupancy and complies with all State commercial code requirements for places of assemble.</p> <p>5. That the boarded storefront windows are restored to clear glass and are maintained in an attractive manner.</p> <p>6. That signage must conform to the sign standards of s.295-605 of the Milwaukee Zoning Code.</p> <p>7. That the petitioner submits documentation of permission to utilize the adjacent parking lot.</p> <p>8. That this Special Use is granted for a period of two (2) years, commencing with the date hereof.</p>	
31	24768 Special Use	Wolf DCM Acquisition 10, LLC c/o Edward H. Wolf; Property Owner Request to continue occupying the premises as a motor vehicle pumping station with increased operating hours (24hrs.), convenience store and a car wash facility.	5110 W. Hampton Av. 1st Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the chair and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
32	24751 Dimensional Variance	Greg & Laura Pfaff, Property Owner Request to raze and rebuild an attached garage on the premises without the required rear setback.	2943 N. Lake Dr. 3rd Dist.
	Action:	Dismissed	
	Motion:	Catherine Doyle moved to dismiss the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
33	24793 Special Use	Gregory J. Kliebhan, Marquette University; Property Owner Request to construct a 6 story parking structure.	1240 W. Wells St. A/K/A 804-852 N. 13th St. 4th Dist.
	Action:	Granted 20 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That site illumination must meet the lighting standards of s.295-409 of the Milwaukee Zoning Code. 5. That signage must meet the signage standards of s.295-407 of the Milwaukee Zoning Code. 6. That this Special Use is granted for a period of twenty (20) years, commencing with the date hereof.	
34	24820 Appeal of an Order	DMM Investment Inc., Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a transitional living facility.	2504 W. Wells St. 4th Dist.
	Action:	Adjourned	
	Motion:	This matter was adjourned at the request of the petitioner and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
35	24660 Special Use	Mr. John Magnusson,A. Eisenberg,Thomas G. Wohlers, Lessee Request to occupy a portion of the premises as an adult retail establishment.	312 W. Juneau Av. A/K/A 300-18 W. Juneau Ave. 4th Dist.
	Action:	Denied	
	Motion:	Donald Jackson moved to deny the appeal. Seconded by Georgia Cameron.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
36	24772 Special Use	Jaser Jaber, Property Owner Request to make interior alterations to the existing motor vehicle 24hr pumping station and convenience store to include a currency exchange.	8334 W. Appleton Av. A/K/A 8332-34 W. Appleton Ave. 5th Dist.
	Action:	Granted	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except those which are approved by permit and on the site plan. 6. That the petitioner apply for a license as a currency exchange from the Wisconsin Department of Financial Institutions 7. That no additional signage be erected on the premises. 8. That a previous Board of Zoning Appeals conditions regarding this premises are complied with. 9. That the operating hours of the check cashing facility shall be 9 a.m. to 7 p.m., Monday through Saturday. 10. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 11. That no signage advertising the check cashing facility is erected on site. 12. That loans will not be offered as part of the check cashing operation. 13. That this Special Use is granted for a period of time commencing with the date hereof and expiring on April 5, 2006. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
37	24779 Special Use	Paul Bouraxis, Property Owner Request to extend the hours of the drive thru facility from 12:00am to 3:30am daily.	7822 W. Capitol Dr. 5th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the Ald. and will be rescheduled at the next available hearing.	
38	24783 Special Use	Makbul Sajan, Prospective Buyer Request to construct a motor vehicle pumping station and convenience store.	7605 W. Lisbon Av. 5th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That there is no outdoor storage or display of products or merchandise. 5. That there is no outdoor display of banners or other advertising except those which are approved by permit and on the site plan. 6. That landscaping and screening plans which meet the requirements of s.295-405 of the Milwaukee Zoning Code including a 6-foot high wood fence along the western property line must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 7. That site illumination plans which meet the lighting standards of s.295-409 of the Milwaukee Zoning Code must be submitted to the Board of Zoning Appeals and approved by the Zoning Administration Group prior to the issuance of any permits. 8. That the petitioner take all measures necessary to control litter, loitering, and loud noise on the premises, including, but not limited to, hiring private personnel if necessary. 9. That the driveway on N. 76th Street is separate from the alley approach and the pedestrian link is between the two driveways. 10. That this Special Use is granted for a period of ten (10) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
39	24698 Special Use	Tammie Anderson Little Tyke Academy II; Lessee Request to occupy the premises as a 24 hr. day care center for 90 children ages 6wks-12yrs, Monday-Sunday.	8745-53 W. Fond Du Lac Av. A/K/A 8721 W. Fond Du Lac Ave. 5th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the storefront windows remain as clear glass and are maintained in an attractive manner.</p> <p>5. That the fenced outdoor play area is separated from the parking area / vehicle operating area by some type of physical barrier such as bollards.</p> <p>6. That the applicant obtains an occupancy certificate and complies with all State commercial code requirements for educational and institutional occupancies.</p> <p>7. That this Special Use is granted for a period of five (5) years, commencing with the date hereof.</p>	
40	24701 Special Use	Al Darakhani, Property Owner Request to continue occupying a portion of the premises as an indoor storage facility (ice cream storage).	3919 N. Martin Luther King Dr. 6th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 S. Winkler Abstained, C. Zetley Recused	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
41	24699 Special Use	Janice Schmitt, Property Owner Request to continue occupying the premises as a day care center for 39 children ages 4wks-10yrs, Monday-Friday 6:30am-5:30 pm.	2972-74 N. 49th St. 7th Dist.
	Action:	Granted 5 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That this Special Use is granted for a period of five (5) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
42	24767 Special Use	Aida Figuena Fuentes, Lessee Request to expand the number of children from 20 to 30 of the existing day care center for ages 4wks-12yrs, Monday-Friday 7:00am-6:00pm.	1732 S. Muskego Av. 8th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the building complies with State commercial code for day care centers to include adequate restroom facilities, exit lighting and smoke detection system for the increased occupancy load. 5. That there are no changes in the previously approved floor plan, including the location of the infant sleeping room. 6. That the applicant renew their loading zone permit on South Muskego Avenue. 7. That previous conditions of the Board of Zoning Appeals are complied with. 8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
43	24658 Special Use	Alberto Valle, Property Owner Request to include detailing and the installation of stereo equipment to the existing motor vehicle sales facility.	2059 S. Muskego Av. 8th Dist.
	Action:	Granted	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That all installation of equipment is done inside the building and that all testing of stereo equipment by the installer or vehicle owner is done inside the building with all exterior doors closed to prevent noise infiltration to the neighborhood. 5. That no work or storage of vehicles occurs in the public right of way. 6. That any testing of audio equipment and alarm systems be conducted at minimum amplification and with the overhead garage doors closed. 7. That landscaping is upgraded to meet the intent of city code 8. That no more than 10 vehicles are parked on-site at any one time 9. That all work must be done inside. 10. That all previous conditions of the Board regarding this property are complied with. 11. That the hours of operation for the installation of stereo equipment be from 8 a.m. to 6 p.m. 12. That the petitioner take all measures necessary to control litter, loitering and loud noise on the premises, including, but not limited to, hiring private personnel. 13. That this Special Use is granted for a period of time commencing with the date hereof and expiring on May 8, 2004. 	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
44	24805 Special Use	Robert B. Pyles, Lessee Request to continue occupying the premises as a fast-food/carryout restaurant with modified operating hours (Mon. - Sun. 5 a.m. - 9 p.m.(for dine in only), Sun - Tues 5 a.m. - 1 a.m. (drive thru) and Weds. - Sat. 5 a.m. - 3 a.m. (drive thru).	5739 W. Silver Spring Dr. A/K/A 5803 W. Silver Spring Dr. 9th Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler adjourned the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
45	24744 Special Use	Rev. Floyd Taylor Macedonia Baptist Church; Property Owner Request to occupy the premises as a religious assembly facility.	7245 N. Teutonia Av. A/K/A 7265 N. Teutonia Ave. 9th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
46	24761 Special Use	Thomas McNeal, Prospective Buyer Request to occupy the premises as a tavern, restaurant and assembly hall(banquet hall).	6263 N. Teutonia Av. 9th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
47	24668 Special Use	Elizabeth Dismukes, Property Owner Request to occupy the premises as a 24 hr. day care facility for 5 children ages 6wks-12yrs, Monday-Friday.	3604 W. Custer Av. 9th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Catherine Doyle moved to approve the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 1 Nays, 0 Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the outdoor play space not be utilized before 9 a.m. or after 8 p.m. 5. That only one unit is utilized for day care purposes. 6. That this Special Use is granted for a period of two (2) years, commencing with the date hereof.	
48	24711 Use Variance	Gwendolyn Kleckley, Lessee Request to occupy the premises as a social service facility.	5668 N. 62nd St. 9th Dist.
	Action:	Denied	
	Motion:	Scott Winkler moved to deny this request. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
49	24727 Use Variance	Rose Patterson, Lessee Request to occupy a portion of the premises as a religious assembly facility.	4919 W. Good Hope Rd. 9th Dist.
	Action:	Adjourned	
	Motion:	Donald Jackson moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
50	24730 Special Use	Wendy Thompson, Property Owner Request to occupy the premises as a day care facility for 8 children ages 6wks-12yrs,Monday-Friday 5:00am-10:00pm.	1346 W. Hadley St. 10th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Roy Nabors moved to grant the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That there are no signs or banners on the exterior of the premises.</p> <p>5. That the outdoor play area is not utilized before 9:00 A.M. or after 8:00 P.M.</p> <p>6. That this Special Use is granted for a period of two (2) years, commencing with the date hereof.</p>	
51	24734 Special Use	Noble Brown Jr., Property Owner Request to occupy the premises as a 24 hr day care facility for 8 children ages 6wks-12yrs Monday-Saturday.	3064 N. 25th St. 10th Dist.
	Action:	Denied	
	Motion:	Roy Nabors moved to approve the appeal. Seconded by Catherine Doyle.	
	Vote:	2 Ayes, 2 Nays, 1 C. Zetley Abstained.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
52	24758 Dimensional Variance	Cell World & Tobacco Lessee Request to install a 14'x 6' single face illuminated sign to the existing concrete columns.	4919 W. Capitol Dr. 10th Dist.
	Action:	Denied	
	Motion:	Henry Szymanski moved to deny the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
53	24700 Special Use	Jeanetta Anderson, Lessee Request to occupy the premises as a day care facility for 8 children ages 6wks- 12yrs, Monday-Friday 6:00am-12:00am.	1208 W. Atkinson Av. A/K/A 1208-10 W. Atkinson Ave. 10th Dist.
	Action:	Granted 3 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<p>1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations.</p> <p>2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof.</p> <p>3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained.</p> <p>4. That the applicant obtains an occupancy certificate and complies with all State commercial building code requirements for institutional and educational occupancies.</p> <p>5. That the petitioner maintains the off-site play space agreement with Holy Redeemer Church.</p> <p>6. That documentation from the State of Wisconsin granting an exception for the proposed off-site play space is submitted to the Board of Zoning Appeals.</p> <p>7. That signage complies with sec. 295-407 of the City of Milwaukee Zoning Code.</p> <p>8. That this Special Use is granted for a period of three (3) years, commencing with the date hereof.</p>	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
54	24766 Special Use	Tamika Gray, Lessee Request to continue occupying the premises as a day care facility for 8 children, Monday-Friday 6:30 a.m. to 10:00 p.m.	3752 N. 23rd St. 10th Dist.
	Action:	Granted 2 yrs.	
	Motion:	Henry Szymanski moved to grant the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That the petitioner adheres to the plan of operation submitted to the Board of Zoning Appeals on November 26, 2001. 5. That this Special Use is granted for a period of two (2) years, commencing with the date hereof.	
55	24663 Use Variance	Demetrius Dailey, Property Owner Request to park a commercial vehicle on a residential lot.	9132 N. 95th St. A/K/A 9132-34 N. 95th St. 15th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
56	24683 Use Variance	AGA Gas, Inc., Lessee Request to occupy a portion of the premises as a storage facility for hazardous materials.	11927 W. Silver Spring Dr. 15th Dist.
	Action:	Granted 10 yrs.	
	Motion:	Scott Winkler moved to grant the appeal. Seconded by Catherine Doyle.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
	Conditions of Approval:	<ol style="list-style-type: none"> 1. That the building and premises shall, in all other respects, comply with applicable building and zoning code regulations. 2. That any permits required to execute the approved plans be obtained within one (1) year of the date hereof. 3. That the Plan of Operation and all plans as submitted to the Board, be fully complied with and maintained. 4. That a certificate of occupancy is obtained and the applicant complies with all State commercial code requirements for hazardous storage facilities. 5. That permits are obtained for the change in all signage on the premises. 6. That the east side of the premises meet the landscaping and screening standard for code section 295-405 of the City of Milwaukee Zoning Code. 7. That this Variance is granted for a period of ten (10) years, commencing with the date hereof. 	
57	24694 Use Variance	Brian Blattler Milwaukee Lumber Co.; Lessee Request to occupy the premises as a contractor's yard and an outdoor storage facility.	2229 N. 13th St. 17th Dist.
	Action:	Adjourned	
	Motion:	This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
58	24695 Use Variance	Brian Blattler Milwaukee Lumber Co.;Lessee Request to occupy the premises as a contractor's yard and an outdoor storage facility. Action: Adjourned Motion: This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	2233-35 N. 13th St. 17th Dist.
59	24696 Use Variance	Brian Blattler Milwaukee Lumber Co.;Lessee Request to occupy the premises as a contractor's yard and outdoor storage facility. Action: Adjourned Motion: This item was adjourned at the request of the applicant and will be rescheduled at the next available hearing.	2222-Adj N. 14th . A/K/A 2222 N. 14th St. 17th Dist.
60	24763 Special Use	LaTanya Jenkins, Prospective Buyer Request to occupy the premises as a 24 hr day care center for 100 children ages 6wk-12yrs Monday-Sunday. Action: Adjourned Motion: This item was adjourned at the request of staff and will be rescheduled at the next available hearing.	3227 W. North Av. A/K/A 3227-33 W. North Ave. 17th Dist.
61	24676 Special Use	Keith Stribling Victory Center West Lessee Request to occupy the a portion of the church as a transitional living facility for up to 8 persons. Action: Adjourned Motion: Henry Szymanski moved to adjourn this request. Seconded by Catherine Doyle. Vote: 4 Ayes, 0 Nays, 1 C. Zetley Abstained.	4429-31 W. Lisbon Av. 17th Dist.

<u>Item No.</u>	<u>Case No./ Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
62	24573 Appeal of an Order	Richard B. Mitchell Property Owner Request to appeal an order of the Department of Neighborhood Services determining the occupancy to be a tavern.	3056-58 N. Maryland Av. 3rd Dist.
	Action:	Adjourned	
	Motion:	Scott Winkler moved to adjourn the appeal. Seconded by Henry Szymanski.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
63	24459 Dimensional Variance	James Cape & Sons Co. Lessee Request to occupy the premises as temporary rock and concrete crushing plant and outdoor storage facility.	4250 N. 35th St. 1st Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Scott Winkler.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	
64	24690 Dimensional Variance	Lou Yaeger V.P. Support Services St. Joseph Regional Medical Center; Property Owner Request to raze the 9 existing residential dwellings and construct a parking structure.	3026 N. 49th St. A/K/A 3004, 3016, 3022, 3028- 30, 3034(A), 3040, 3044-46, 7th Dist.
	Action:	Adjourned	
	Motion:	Henry Szymanski moved to adjourn the appeal. Seconded by Roy Nabors.	
	Vote:	4 Ayes, 0 Nays, 1 C. Zetley Abstained.	

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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Other Business:

Board member Winkler moved to approve the minutes of the February 20, 2003 meeting. Seconded by Board member Jackson. Unanimously approved.

The Board set the next meeting for April 10, 2003

Board member Winkler moved to adjourn the meeting at 10:37 p.m.. Seconded by Board member Szymanski. Unanimously approved.

BOARD OF ZONING APPEALS

Secretary of the Board

<u>Item</u> <u>No.</u>	<u>Case No./</u> <u>Case Type</u>	<u>Description</u>	<u>Premises Address/Ald. Dist.</u>
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